

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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Cedric Jones,	)	
	)	
Plaintiff,	)	
	)	
v.	)	NO. 11-3135-JTF/tmp
	)	
	)	
ADAMS BROTHERS PRODUCE,	)	
	)	
Defendant.	)	

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ORDER OF DISMISSAL

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On December 29, 2011, Plaintiff proceeding *pro se* filed this complaint against Adams Brothers Produce alleging acts of employment discrimination in violation of Title VII of the Civil Rights Act, 42 USC §2000(e) et seq. DE [1]. The Court granted Plaintiff's motion to proceed *in forma pauperis* on January 13, 2012. DE [2]

An Order for the Clerk to issue process to the U.S. Marshal for service was entered by the Honorable Judge Samuel H. Mays, Jr. on April 10, 2012. DE [4] The record shows the summons was returned unexecuted on April 25, 2012. DE [5]

On November 5, 2012, Plaintiff was ordered to show cause within fourteen days why his case should not be dismissed for failure to properly effect service upon the defendant in accordance with Fed.

R. Civ. P. 4. The Court's Order was returned as undeliverable to Plaintiff's address of record on November 15, 2012. DE [8] The record also reflects that no pleadings have been filed in this case since the case was initiated on December 29, 2011.

A *pro se* party, similar to all other users of the E-filing system, involved in a matter pending in federal court is required to keep the Clerk of Court informed of his current address and telephone number during the entire case.<sup>1</sup> This policy allows the party to receive copies of Court orders and setting notices from the Clerk of Court pertaining to the case. L.R. §5.2. Otherwise, the case may be dismissed.

Federal Rule of Procedure 4(m) requires the plaintiff to serve the summons and complaint upon the defendant within 120 days after the complaint is filed. The court may, upon a showing of good cause, extend the time for service beyond the 120 days. *Moncrief v. Stone*, 961 F.2d 595, 596 (6<sup>th</sup> Cir. 1992).

Plaintiff has failed to properly serve a copy of the summons and complaint upon the defendants within the allotted 120 days after his complaint was filed. Further, Plaintiff has failed to show good cause why service has not been properly executed. Finally, Plaintiff has failed to keep the Court advised of his mailing address and telephone number. As a result, the Court concludes Mr. Jones has abandoned his lawsuit.

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<sup>1</sup> See Local Rules of Court, Appendix A, Electronic Case Filing (ECF) Policies and Procedures effective on June 29, 2012, pp. 10-11.

Accordingly, this case is without prejudice for plaintiff's failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

**IT IS SO ORDERED** this 8<sup>th</sup> day of February, 2013.

**s/John T. Fowlkes, Jr.**  
JOHN T. FOWLKES, JR.  
UNITED STATES DISTRICT JUDGE